

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF KANSAS**

James Linlor, pro se

Plaintiff,

vs.

John and Marcella Warner Holman  
 et. al.

Defendant(s)

Case Number: 6:24-CV-1001 – DDC - GEB

**Plaintiff's reply to Defendants' response  
 (Dkt 128) for Motion to Show Cause**

1. Come now, Pro Se Plaintiff Capt. James Linlor timely files this Reply to the Response Motion filed by Admitted felon Aaron L Kite. Further Response arguments are addressed below.

- a) Despite defendants' 10 page response, with 4 attachments repeating and admitting to felony crimes, defendants admit to all of Plaintiff's objections; Plaintiff therefore prays that his motion be GRANTED. It is Mr Kite who committed these crimes; Plaintiff is merely using the same terms used by Kansas law enforcement who have reviewed Mr Kite's falsifications and the criminal evidence also in Exhibit A.
- b) Plaintiff can imagine defense counsel's wailing and clutching of his pearls already at the "admitted felon" moniker, but plaintiff respectfully reminds the Court of Rules 5 and 11, and the fact that Dkt 128, after being filed by Plaintiff – could have generated any of several responses by Mr Kite:

- I. referenced the 2 proven felony notarizations and provided evidence of why they are not felony crimes (Spoiler Alert: he did not deny them!)
- II. provided some "excusable neglect" to explain his criminal acts (Double Spoiler Alert: no excuses were possible, and he didn't even try)
- III. provided some other mitigating evidence, which he did not, but **Plaintiff submits Exhibit B, which further proves that Mr Kite also did not secure his surety bond for \$12,000, as required by KS Notary statutes.** It was no accident that Mr Kite made multiple false information felonies in violation of KS 21-5824. When Plaintiff asked

by telephone to see a copy of Mr Kite's notary logbook (also required by the State of Kansas), Mr Kite refused to allow Plaintiff to inspect the requisite logbook. This would be more felony charges, all of which (and more) law enforcement is investigating.

IV. filed his responses again (which he did) thereby admitting as to their authenticity, admissibility (Per FRCP 5 and 11), and admitting to felony crimes of felony Making of False Information (KS 21-5824) filed as Dkt 128-2 and 128-3. This was making a false notary and then filing for an improper purpose, based on felony crimes, and made so as to increase the cost and time of this litigation, while violating the KS Bar Code of Ethics (see Ex A).

c) As the Court well knows, Rule 11 (recited below) was violated many times above by Mr Kite's admitted multiple felonies by falsely representing himself as a valid Kansas Notary (see also Exhibit A, and also Exhibit B showing that he failed obtain any surety bond, further proving that this was not an oversight or mere accident). Mr Kite does not dispute that he committed multiple felonies, but tries to argue that "has corrected" the filing, much the same as if Plaintiff were to claim to be a sworn-in judge or attorney in this district, make filings to that effect, and then cry "Oopsie!" and not face any consequences. These are bells that cannot be un-rung, and which deserve consequences. Not only was Plaintiff deprived of timely Discovery, and Mr Kite was making a set up false pleading that he could later try to use to claim inadmissible evidence because it was not lawfully notarized! No matter the eventuality, Mr Kite clearly violated multiple aspects of Rule 11 (as well as the KS attorney ethics code, see Ex A)

Rule 11(b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidenciary support or, if specifically so identified, will likely have evidenciary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

2. Despite defendants' 10 page response, with 4 attachments repeating and admitting to felony crimes, he admits to all of Plaintiff's objections; Plaintiff's motion should be GRANTED.

**Concise statement of facts**

3. What originally appeared to be unauthorized occupation of land (there was no lease for the unconscionable contract of 2022 and prior, for an agreement on which Plaintiff was taken advantage of by expert rancher defendants, after all parties signed documents terminating that in 2022 and defendants filed those with the US Government) expanded into:
- a) a death threat by defendants (or some person working for them) against Plaintiff
  - b) Defense counsel asking every location of Plaintiff, with no good cause, to further threaten Plaintiff
  - c) defendants claiming an illegal, multi-year verbal lease ongoing in this case on land managed by Plaintiff (assigned to Plaintiff for collection) that defendants have refused to pay for each of 2023, 2024, 2025, and any future year
  - d) an in-rem case where defendants (the same as plaintiffs in that case) have strutted around, refused to obey court orders and not even show up to mandatory court sessions, filed false sales agreements, admitted to interfering with land sales, etc.
  - e) admitted felony trespassing and theft of farm equipment by defendants, their employees, and defendants' children (!), with the equipment owned by Plaintiff, stolen by defendants after No Trespass orders were admitted as received by defendants by local law enforcement
  - f) conspiracy and abuse beyond grazing of cattle, using Plaintiff's pastures and water and electricity as a mini-feed lot to truck in numbers of cattle well beyond the capacity of Plaintiff's pasture, harming the grass stand and using double or more of utilities and infrastructure while hiding this from Plaintiff
  - g) suborning of perjury by Aaron L Kite demanding that Plaintiff create false evidence (a written contract) so that Kite could have a legal argument that wasn't frivolous
4. While defendants go on for page after page regurgitating this entire case instead of the matters at-bar, Plaintiff will now address each of the threadbare excuses made by defendants.

## Argument

### 5. Item “a” from page 6 (!) of defendants’ voluminous response:

- defendants do not deny that they failed to list all property including outside of this case, despite having already listed the same properties from the same question in the in-rem case.
- defendants are answering the same question with different answers, as will be demonstrated under oath at defendants’ depositions
- Plaintiff properly requests that the court ORDER defendants to answer Plaintiff’s interrogatories in a full and truthful manner at the deposition, recognizing that defendants have changed their answers to the same questions in in-rem depositions vs. discovery in this case, to avoid further delays and effort in depositions.

### 6. Item “b” from page 7 of defendants’ response:

- Plaintiff reviewed the question #s from each of John and Marcella Holman’s discovery responses in the phone meet-and-confer by Mr Kite and Plaintiff. Defendants confirmed those question numbers. Defendants appear to be whining that they appear to be counting-challenged. It is unknown what other excuses defendants are making, but they do not deny that they did not answer the questions as asked.
- Plaintiff properly requests that the court ORDER that defendants unanswered questions be recognized as failures to answer, with a negative jury instruction as may befit each question.

### 7. Item “c” from page 7 of defendants’ response:

- Defendants seem to be complaining that despite Plaintiff clearly asking questions of defendants and separately, of their businesses, that defendants’ failures to give complete answers for each if somehow Plaintiff’s fault! Defendants do not deny that their answers did not state as being for both their businesses and themselves. As Plaintiff and defendants’ already agreed, defendants agreed to stand on their answers as submitted, and Plaintiff agreed that in this case, that the matter may be left for resolution by the Court or a Jury, but

defendants agreed that this would NOT be a matter for the Court to decide at this time. Yet, defendants violated their own agreement, and decided to file a further motion to harass Plaintiff and delay and increase costs in this case. Plaintiff properly requests that the court ORDER that defendants' unanswered questions (on behalf of their businesses, since defendants decided to bring this matter before the court despite it being agreed NOT be brought up at this time!) be recognized as failures to answer by defendants' businesses, with a negative jury instruction as may befit each question.

8. **Item "d" from page 8 of defendants' response:**

- As addressed above, admitted felon Aaron L Kite (per law enforcement nomenclature) does not deny nor provide any excuse for his proven (and submitted as truthful evidence by him) felony crimes (and misdemeanor crime by his assistant Ansel Barngrover).
- Both of them are recognized by the State of Kansas as admitted criminals (Kite as a felon, Barngrover as a misdemeanor criminal), according to the chief of the KS Secretary of State Notary Division, Jameson Beckner.
- If Mr Kite did not want to be officially known as an admitted felon, then he a) should not have committed the felonies (see Ex A), and b) he should not have re-filed them in this case, himself, thereby admitting to them as true, correct, and admissible under FRCP 5 and 11.
- The Court's actions whether to enact dispositive sanctions as requested, of course, remain at the Court's discretion. However, as will be addressed below, Mr Kite's committing of felony crimes is not in-accordance with the KS Bar Ethics Code. It is entirely proper that Plaintiff file this Motion to Show Cause and ask for dispositive sanctions based on Aaron L Kite's criminal behavior, and failures to cooperate in Discovery.
- Plaintiff properly requests that the court ORDER that defendants repeated failures to cooperate in discovery, further proven by evidence in Plaintiff's motion filing to show cause where defendants refused to identify the search terms that were/would be used in emails

(when this is a normal agreement among attorneys that defendants are again refusing to cooperate per Rules 26 and 37), plus felony criminal filings, that these failures warrant for the Court to ORDER a dispositive judgment in Plaintiff's favor.

9. **Item "e" from page 8 of defendants' response:**

- defendants object to Plaintiff referencing the KS Bar Ethics Code, which Plaintiff properly brought up in this Motion to Show Cause, because of the felony crimes committed by Aaron L Kite, and misdemeanor by his legal assistant.
- Mr Kite appears to try to play the victim, when his criminal status is of his own doing!
- Making false evidence is a felony as proven by the KS Criminal Code (see Ex A). If Mr Kite doesn't want his crimes to be listed as felony, and whatever impact that may have on his law license when he will likely soon be arrested and charged, then he should contact his State representative to try to change the criminal code.
- Defendants' making verbal attacks against plaintiff for pointing out the conflict between Aaron L Kite's criminal actions and his obligations as an attorney, are not appropriate for defendants to complain about.

10. **Item "e" from page 8 of defendants' response:**

- It is unclear which item in Plaintiff's Motion that defendants are complaining about, here.
- Defendants go on about a mish-mash of complaints and re-hashing that this case and the in-rem case were not combined, in a section more fitting for "potpourri" on Jeopardy! than a cohesive and answerable legal argument. Plaintiff can guess that maybe it was just late at night when defendants wrote their section e, but since it does not relate to any of the claims in Plaintiff's Motion, Plaintiff will decline to randomly answer allegations that are not at-bar for this motion. Whatever they are asking for in this section, it should be DENIED.

1 11. For good cause as demonstrated above, Plaintiff prays that the Court GRANT dispositive  
2 sanctions against defendants, or in the alternative, that the Court GRANT specific sanctions  
3 requested by Plaintiff as are listed throughout this Reply.

4 Respectfully /s/ Captain James Linlor

5  
6 This filing was produced by the pro se Plaintiff without the assistance of an attorney. Plaintiff  
7 affirms that all matters cited herein are true-and-correct to the best of Plaintiff's knowledge,  
8 under penalty of perjury.

9 S/ Capt. James Linlor, pro se  
10 PO Box 1812, Zephyr Cove NV 89448  
11 Fax 206-339-9072  
12 April 9, 2025 in Reno, NV

13 CERTIFICATE OF SERVICE

14 I, Capt. James Linlor, pro se Plaintiff, hereby certify that on this date I caused a copy of the  
15 foregoing filings to be served on all defendants in this case via CM/ECF.

16 S/ Capt. James Linlor, pro se  
17 PO Box 1812, Zephyr Cove NV 89448  
18 Fax 206-339-9072  
19 April 9, 2025 in Reno, NV  
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